

SECTION 8.04. TAX ASSESSMENT AND COLLECTION. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(b) The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code.

ARTICLE 9. MISCELLANEOUS

SECTION 9.01. LIMITATION ON STATE ASSISTANCE. The state may not become obligated for the support or maintenance of a hospital district created under this Act, nor may the legislature make a direct appropriation for the construction, maintenance, or improvement of a facility of the district.

SECTION 9.02. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 16, 1989, by the following vote: Yeas 145, Nays 0; passed by the Senate on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective June 14, 1989.

CHAPTER 590

H.B. No. 3113

AN ACT

relating to the establishment of a public defender's office in Aransas County.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.058 to read as follows:

Art. 26.058. PUBLIC DEFENDER IN ARANSAS COUNTY. (a) *The Commissioners Court of Aransas County may appoint an attorney to serve as a public defender. The public defender serves at the pleasure of the commissioners court.*

(b) *To be eligible for appointment as a public defender, a person must:*

- (1) *be a member of the State Bar of Texas;*
- (2) *have practiced law for at least three years; and*
- (3) *have experience in the practice of criminal law.*

(c) *With the approval of the commissioners court, the public defender may employ assistant public defenders, investigators, secretaries, and other necessary personnel. An assistant public defender must be a licensed attorney and may perform the duties of a public defender under this article.*

(d) *Subchapter B, Chapter 152, Local Government Code, applies to the compensation of personnel and the payment of office expenses in the public defender's office.*

(e) *Except as authorized by this article, a public defender or assistant public defender may not:*

- (1) *engage in the private practice of criminal law;*
- (2) *engage in the practice of civil law in a county court, county court at law, district court, or federal court in Aransas County; or*
- (3) *accept anything of value not authorized by this article for services rendered under this article.*

(f) *The commissioners court may remove a public defender or assistant public defender who violates a provision of Subsection (e) of this article or for good cause shown.*

(g) *The public defender or an assistant public defender shall represent each indigent person in Aransas County who is:*

(1) charged with a criminal offense in the county;

(2) a minor who is a party to a juvenile delinquency proceeding in the county; or

(3) entitled to representation under:

(A) Chapter 3, Texas Mental Health Code (Article 5547-1 et seq., Vernon's Texas Civil Statutes);

(B) the Texas Alcohol and Drug Abuse Services Act (Article 5561c-2, Vernon's Texas Civil Statutes);

(C) Chapter 543, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561c-1, Vernon's Texas Civil Statutes); or

(D) Section 11.10 or 17.03, Family Code.

(h) *A public defender or an assistant public defender shall investigate the financial condition of any person the public defender is appointed to represent. The defender shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the person is indigent and entitled to representation under this article.*

(i) *If at any stage of the proceeding the judge determines that a conflict of interest exists between the public defender and the indigent person, the judge may appoint another attorney to represent the person. The attorney must be licensed to practice law in this state and is entitled to the compensation provided by Article 26.05 of this code.*

(j) *Subsections (d) and (e), Article 26.05, of this code apply to a person represented under this article.*

(k) *The commissioners court may accept gifts and grants from any source to finance an adequate and effective public defender program.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 12, 1989, by the following vote: Yeas 137, Nays 0; passed by the Senate on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective June 14, 1989.

CHAPTER 591

H.B. No. 3114

AN ACT

relating to the jurisdiction, composition, and operation of the Hamilton County Hospital District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1.03, 2.01, 3.06, 4.02, and 4.03, Chapter 42, Acts of the 70th Legislature, 2nd Called Session, 1987, are amended to read as follows:

Sec. 1.03. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of commissioners precincts 1, 2, and 4 of Hamilton County, Texas, ~~except that the district does not include the area within the boundaries of the city of Hico.~~

1960